

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Chuck O. Kendall
Tomonori Minagawa)	
	:	Group Art Unit: 2192
Appln. No.: 10/780,659)	
	:	Confirmation No.: 3581
Filed: February 19, 2004)	
	:	
For: INFORMATION PROCESSING)	May 4, 2009
APPARATUS, INFORMATION	:	
PROCESSING METHOD, AND)	
CONTROL PROGRAM	:	

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THIRD INFORMATION DISCLOSURE STATEMENT

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO-1449. Copies of the listed documents, other than U.S. patent documents, are enclosed.

REMARKS

The following documents were cited in a March 16, 2009 Japanese Official Action in a foreign counterpart application (Japanese Patent Application No. 2003-053893) corresponding to the above-referenced application:

- (1) JP-A 2001-325170;
- (2) JP-A 2002-175258; and
- (3) JP-A 2002-251347.

English-language Abstracts for Documents (1)-(3) are also enclosed. Applicant submits that US 7,065,564 B2 is in the family of Document (3).

STATEMENT UNDER 37 C.F.R. § 1.97(e)

Each item of information in this information disclosure statement was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing date of this Statement.

COMMENT RE STATEMENT

Applicant understands from the MPEP that United States or other English language patent documents, included in a list of the family of patents corresponding to a particular patent cited in a foreign patent office communication, are to be construed as being cited by the foreign patent office for purposes of a statement under 37 CFR 1.97(e)(1). See MPEP 609.04(b)(V) (Rev. 7, July 2008), page 600-159, second full paragraph. Here, the cited U.S. patent document, which is in the family of a document cited in the Japanese Official Action, was not itself cited in the Japanese Official Action, and the Japanese Official Action is not understood to itself contain the aforementioned list. Nonetheless, Applicant understands that it is the Office's policy to construe 37 C.F.R. § 1.97(e)(1) to include English-language family patents whether or not such a list appears in the foreign patent office communication itself. Thus, Applicant has cited the U.S. patent document and has made the statement under 37 C.F.R. § 1.97(e)(1). Favorable consideration in this regard is earnestly solicited.

FORMAL MATTERS

Please charge \$180 to Deposit Account No. 06-1205 to cover the Information Disclosure Statement fee. Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

CONCLUSION

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Daniel S. Glueck/
Daniel S. Glueck
Attorney for Applicants
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
DSC/gjr